THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26407 OF 2005

DATED:13.12.2005

Between:

Bathula Krishna Rao and others

…Petitioners

And

The District Collector

Vizianagaram Town and District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26407 OF 2005

ORDER:

The petitioners are owners of buildings situated at Mahatma Gandhi Road in Vizianagaram Municipality. They filed the Writ petition seeking a Writ of Mandamus declaring the action of the respondents in taking steps to demolish the petitioners' houses for the purpose of road widening as illegal and contrary to Article 300-A of the Constitution of India. They also seek a direction to the respondents to follow due process of law on the basis of master plan-1926 and initiate action under Land Acquisition Act, 1894 (for short, the Act).

Learned Standing Counsel for Vizianagaram Municipality obtained instructions at the stage of admission itself. He submits that the Government and the Municipality

proposed to widen the road from Kanyaka Parameswari Temple to S.B.I. Centre from existing width to sixty feet wide road. It was decided to negotiate with the owners of the properties, whose properties are likely to be affected by road widening. Accordingly, a meeting was convened on 7.4.2005 in the District Collector's Office. All the owners whose properties are going to be affected agreed to remove the structures after demarcating the central line. He also states that though the central line was demarcated even prior to the said meeting, some of the owners requested for fresh demarcation and at that stage, the proposal is pending. He also submits that the Municipality and the revenue administration is trying to negotiate with all the owners and if the owners are not willing to part with their properties, necessary action will be taken in accordance with law as per Sections 172 and 174 of the A.P. Municipalities Act, 1965. He also submits that till then, the Municipality will not take any steps for demolition of the structures. The same is recorded.

The Writ Petition is accordingly disposed of.

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13.12.2005 (V.V.S.RAO, J)

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